

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by	)	
	)	
Baker Hall School	)	File No. SLD-596432, <i>et al.</i>
Buffalo, New York, <i>et al</i>	)	
	)	
Schools and Libraries Universal Service Support Mechanism	)	CC Docket No. 02-6
	)	

**ORDER**

**Adopted: December 20, 2010**

**Released: December 20, 2010**

By the Deputy Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we grant seven appeals of decisions by the Universal Service Administrative Company (USAC) denying funding from the schools and libraries universal service support program (also known as the E-rate program) for various funding years on the grounds that petitioners sought cancellation of their funding requests.<sup>1</sup>

2. As the Wireline Competition Bureau found in the *Joseph Jingoli & Son Order*, minor mistakes do not warrant the complete rejection of these applications.<sup>2</sup> Biblioteca Publica Ana Roque de Duprey, Kingman USD, Mackinac Island, and Wayne Westland contend that miscommunications with USAC led to cancellation of their funding requests that they did not intend to cancel.<sup>3</sup> Baker Hall School argues that USAC wrongfully cancelled FRN 1721195.<sup>4</sup> Santa Fe Indian School states that it mistakenly cancelled the FRN 1055612.<sup>5</sup> Shelby County states that it mistakenly checked the box that says “if you wish to cancel this FRN, please check here” because it misread the form.<sup>6</sup> Therefore, we find good cause to grant the appeals, reinstate the funding requests, and remand the underlying applications to USAC for

<sup>1</sup> See Appendix. In this order, we use the term “appeals” to generally refer to requests for review or waiver that are related to decisions issued by USAC. Section 54.719(c) of our rules provides that any person aggrieved by an action taken by a division of USAC may seek review from the Commission. 47 C.F.R. § 54.719(c).

<sup>2</sup> See *Request for Review of Decisions of the Universal Service Administrator by Joseph Jingoli & Son, Inc., Lawrence, NJ, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 19227 (Wireline Comp. Bur. 2007) (*Joseph Jingoli & Son Order*). In the *Joseph Jingoli & Son Order*, the Bureau granted 13 appeals of applicants who were denied funding on the grounds that petitioners sought cancellation of their funding requests. The Bureau found that the petitioners did not intend to cancel their funding requests and remanded the underlying applications to USAC for review and further processing. *Id.*

<sup>3</sup> Request for Review by Kingman USD at 1; Request for Review by Mackinac Island at 3; Request for Waiver by Shelby County at 2; and Request for Review by Wayne Westland at 1.

<sup>4</sup> Request for Review by Baker Hall School at 1.

<sup>5</sup> Request for Waiver by Santa Fe Indian School at 1.

<sup>6</sup> Request for Waiver by Shelby County at 2.

further action consistent with this order.<sup>7</sup> To ensure that the underlying applications are resolved expeditiously, we direct USAC to complete its review of each application and issue an award or a denial based on a complete review and analysis no later than 90 calendar days from the release date of this order.<sup>8</sup> In addition, we also find good cause to waive section 54.720 of the Commission's rules, which establishes deadlines for affected parties to seek review of decisions issued by USAC.<sup>9</sup>

3. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Requests for Review and Request for Waiver ARE GRANTED and the applications ARE REMANDED to USAC for further consideration consistent with the terms of this order.

4. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that section 47 C.F.R. § 54.720 of the Commission's rules, 47 C.F.R. § 54.720, IS WAIVED to the extent provided therein.

5. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that USAC SHALL COMPLETE its review and ISSUE an award or a denial based on a complete review and analysis no later than 90 calendar days from the release of this order.

FEDERAL COMMUNICATIONS COMMISSION

Gina M. Spade  
Deputy Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>7</sup> *Id.*

<sup>8</sup> In performing a complete review and analysis of each underlying application, USAC shall either grant the underlying application before it or, if denying the application, provide the applicant with all grounds for denial.

<sup>9</sup> Specifically, section 54.720 of the Commission's rules provides parties with 60 days to appeal a decision by USAC to either USAC or the Commission. 47 C.F.R. § 54.720 (2007). Baker Hall School, Biblioteca Publica Ana Roque de Duprey; Kingman USD, Mackinac Island and Wayne Westland were either only a few days late or filed as soon they received actual notice of the denial. Baker Hall School Request for Review at 2; Biblioteca Publica Ana Roque de Duprey Request for Review at 3; Kingman USD Request for Review at 2; Mackinac Island Request for Review at 3; Wayne Westland Request for Review at 1. We therefore grant Kingman USD, Mackinac Island and Wayne Westland a waiver of the filing deadline in section 54.720 of the Commission's rules. 47 C.F.R. § 54.720.

## APPENDIX

<b>Applicant</b>	<b>Application Number</b>	<b>Funding Year</b>	<b>Date Appeal Filed</b>
Baker Hall School Buffalo, NY	596432	2008	5/18/2009
Biblioteca Publica Ana Roque de Duprey Aguadilla, Puerto Rico	633429	2008	3/24/2009
Kingman Unified School District #20 Kingman, AZ	559402	2007	12/5/2007
Mackinac Island School District Mackinac Island, MI	562029	2007	12/3/2007
Santa Fe Indian School Santa Fe, NM	382920	2003	11/3/2010
Shelby County School District R4 Shelbina, MS	647950	2009	6/22/2009
Wayne Westland Community Schools Westland, MI	636704	2008	8/26/2008